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*Counsel for Defendants*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

FRANCISCA T. SALAZAR, an individual,

Plaintiff,

v.

C. R. BARD, INC., a New Jersey corporation;  
BARD PERIPHERAL VASCULAR, INC., an  
Arizona corporation, and DOES 1 through 10,

Defendants.

CASE NO. 2:19-cv-02225-RFB-BNW

**STIPULATION AND ORDER TO  
EXTEND STAY OF DISCOVERY AND  
ALL PRETRIAL DEADLINES**

**(FIFTH REQUEST)**

Plaintiff Francisca Salazar (“Plaintiff”) and Defendants C. R. Bard, Inc. and Bard Peripheral Vascular, Inc. (“Defendants” and collectively with the Plaintiff, the “Parties”), pursuant to Fed. R. Civ. P. 26(c) and (d) and LR IA 6-1, respectfully request that this Court temporarily stay discovery and all pretrial deadlines, as set forth in the revised Discovery Plain (Dkt. 44) until **June 28, 2021** while the Parties finalize settlement. In support thereof, the Parties state as follows:

1. As previously reported, the Parties reached a global settlement in principle of this and other cases involving Bard Inferior Vena Cava filters that have been filed across the nation, and a settlement agreement is in place. The Parties have been working diligently and in good faith to finalize all terms and payments pursuant to that settlement.

2. The Parties report that they continue to work diligently toward finalizing the settlement by working to obtain releases and resolve liens, but due to complexity and volume, they anticipate that completion of the settlement process will take approximately 90 days. Accordingly, the Parties request a 90-day extension of the stay in this matter.

3. The Parties are waiting on final paperwork from this Plaintiff and many others, to complete the settlement process.

4. Neither party will be prejudiced by this extension and this will prevent unnecessary expenditures of the Parties and of judicial resources.

5. Accordingly, the Parties request that this Court issue an order staying discovery and pretrial deadlines until **June 28, 2021** to allow the Parties to finalize settlement. This will prevent unnecessary expenditures of the Parties and judicial resources.

6. A district court has broad discretion over pretrial discovery rulings. *Crawford-El v. Britton*, 523 U.S. 574, 598 (1998); *accord Republic of Ecuador v. Hinchee*, 741 F.3d 1185, 1188-89 (11th Cir. 2013); *Thermal Design, Inc. v. Am. Soc’y of Heating, Refrigerating & Air-Conditioning Eng’rs, Inc.*, 755 F.3d 832, 837 (7th Cir. 2014); *see also Cook v. Kartridg Pak Co.*, 840 F.2d 602, 604 (8th Cir. 1988) (“A district court must be free to use and control pretrial procedure in furtherance of the orderly administration of justice.”).

7. Under Federal Rules of Civil Procedure 26(c) and 26(d), a court may limit the scope of discovery or control its sequence. *Britton*, 523 U.S. at 598. Although settlement negotiations do not automatically excuse a party from its discovery obligations, the parties can seek a stay prior to the cutoff date. *Sofo v. Pan-Am. Life Ins. Co.*, 13 F.3d 239, 242 (7th Cir. 1994); *see also, Wichita Falls Office Assocs. v. Banc One Corp.*, 978 F.2d 915, 918 (5th Cir. 1993) (finding that a “trial judge’s decision to curtail discovery is granted great deference,” and noting that the discovery had been pushed back a number of times because of pending settlement negotiations).

8. Facilitating the efforts of parties to resolve their disputes weighs in favor of granting a stay. In *Coker v. Dowd*, 2:13-cv-0994-JCM-NJK, 2013 U.S. Dist. LEXIS 201845, at \*2-3 (D. Nev. July 8, 2013), the parties requested a 60-day stay to facilitate ongoing settlement negotiations and permit them to mediate global settlement. The Court granted the stay, finding the parties would be

1 prejudiced if required to move forward with discovery at that time and a stay would potentially  
2 prevent an unnecessary complication in the case. *Id.* at \*3. Here, the Parties have reached a  
3 settlement in principle.

4 9. The Parties agree that the relief sought herein is necessary to handle the case in the  
5 most economical fashion and to ensure that the Court's time and resources are not expended on a  
6 matter that may not remain on its docket, yet will allow sufficient time to finalize settlement in this  
7 matter.

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**WHEREFORE**, Plaintiff and Defendants respectfully request the Court's approval of this stipulation to stay discovery and all pretrial deadlines until **June 28, 2021** to allow the Parties to finalize settlement.

**IT IS SO STIPULATED.**

Respectfully submitted this 26<sup>th</sup> day of February 2021.

**DALIMONTE RUEB STOLLER, LLP**

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By: /s/ Gregory D. Rueb

By: /s/ Eric W. Swanis

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### *Counsel for Defendants*

***Counsel for Plaintiff***

**IT IS SO ORDERED.**

  
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**RICHARD E. BOULWARE, II**  
**United States District Court**

DATED this 1st day of March, 2021.

**CERTIFICATE OF SERVICE**

I hereby certify that on **February 26, 2021**, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the CM/ECF participants registered to receive such service.

/s/ Shermielynn Irasga

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